REMARKS

The Applicants have carefully studied the Office Action dated January 8, 2008. By this amendment, claims 1, 5, 8, 12, 15 and 18 are amended. No new claims are added. No claims are canceled. Claims 1-20 remain pending after this amendment. Reconsideration and allowance of the pending claims in view of the amendments and the following remarks is respectfully requested.

Drawing Objections

Reconsideration of the objections to the drawings due to minor informalities is respectfully requested in view of the amendments the drawings. In the drawings, the typo "determins" in FIGS. 5 and 6 pointed out by the Examiner has been corrected. Included with this Response are replacement drawings sheets, marked "Replacement Sheets".

Claim Objections

Reconsideration of the objections to claims 1, 5, 8, 12, 15 and 18, objected to because of minor informalities, is requested in view of the amendments to the claims and for the following reasons, which are listed below to track the Office Action objections a), b), & c).

Regarding objection a), Claims 1, 5, 8, 12, 15 and 18 were amended so that the words used in the claims more closely match the words used in the specification. Amended claims 1, 5, 8, 12, 15 and 18 find support in paragraph [0014] of the specification.

Regarding objection b), Claims 1, 5, 8, 12, 15 and 18 were amended so that they now recite "the program includes driver software from the set of transmitted program components", which is very similar to the way that the Examiner considered that the claims read for the purpose of effectuating compact prosecution.

c) Claims 1, 5, 8, 12, 15 and 18 were amended so that they now recite "program components", which is the same way that the Examiner considered that the claims read

for the purpose of effectuating compact prosecution.

In view of the amendments to claims 1, 5, 8, 12, 15 and 18, and the discussion above, the Applicants request that the Examiner withdraw the objections to claims 1, 5, 8, 12, 15 and 18.

Additional Claim Amendments

Independent claims 1, 5, 8, 12, 15 and 18 have been amended to more clearly recite the invention. Some of the changes involve the use of the following italicized words. No new matter was added.

The independent claims now recite that the invention captures a *replica image* of a program. The *replica image* is a duplicate of the program. The *replica image* may include device drivers.

The independent claims now recite that the invention removes driver software from the *replica image* of the program, thereby creating an *image* of the program that lacks driver software. The *image* of the program is not the same as the *replica image* of the program. The difference is the *image* lacks driver software.

For the advantageous reasons set forth in the Applicants' patent application, it is the *image*, which lacks device drivers, that is loaded into a target computer system 301. A build server 316 assembles the required components including device drivers, and transmits them to the target computer system 301.

The changes to the independent claims find support in the specification, including, for example, in paragraph [0014] of the Applicants' specification.

Claim Rejections - 35 U.S.C. §103

Reconsideration of the rejection of claims 1-20 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 7,185,336 to Vaughan (hereinafter "Vaughan") in view of "How to Prepare Images for Disk Duplication with Sysprep", published November 29, 2001 (hereinafter "Sysprep-Nov01"), is respectfully requested in view of the amendments to claims 1, 5, 8, 12, 15 and 18, and for the following reasons.

The Applicants disagree with the Examiner's contention that FIG. 1; column 3 line 54 to column 4, line 42; FIG. 2; and/or column 4, lines 43-50 of Vaughan discloses a build computer system that creates a clone image of a program. Nowhere in Vaughan is there any mention of a "clone" or a "replica" of a program, as recited the Applicants' claims. FIG. 1 of Vaughan merely describes "analyzing" an operating environment, creating a "profile" based on the environment, sending the profile, and receiving software compatible with the profile. The software consists of device drivers. The portions of the text of Vaughan cited by the Examiner describes the steps of FIG. 1 in more detail, but fail to describe a step of creating a clone or replica of a computer program. At step 110 of Vaughan, an operating environment of a "first computer system" is analyzed. A "second computer system" of Vaughan selects compatible software (e.g., a device driver) based on the profile and returns a recommendation. In step 140 of Vaughan, software compatible with the profile is received by the first computer system. The software received consists of device drivers. In Vaughan, it is only device drivers that are received by the first computer system. In other words, the first computer system does not receive any software other than device drivers. In Vaughan, the first computer system does not receive an image of a computer system program that lacks driver software. On the other hand, with the Applicants' invention, the target computer system 301 does receive an image of a computer system program that lacks driver software.

The Applicants agree with the Examiner's statement that Vaughan does not disclose a program including driver software, the image of the program lacking driver software.

The Sysprep-Nov01 reference cited by the Examiner is an example of a wizard described in the BACKGROUND OF THE INVENTION Section of the Applicants' patent application. See paragraphs [0011] and [0012] thereof. As stated in paragraph [0030] of the Applicants' specification, a wizard depends on having access to device drivers that have previously been loaded on the target computer. Consistent with the preceding statement from the Applicants' specification are the following statements in the Sysprep-Nov01 reference, to wit:

"However, any device drivers not included in Drivers.cab should be

included in the master installation before you run Sysprep. Alternatively, make sure the uninstalled drivers are available on the destination computer at first run, so Plug and Play can detect and install the drivers."
(See page 1, lines 23-26 of the Sysprep-Nov01 reference.)

Therefore, unlike the Applicants' invention, the Sysprep-Nov01 reference describes a disk duplication method wherein the device drivers are <u>included</u> in the image. In other words, the Sysprep-Nov01 reference describes a disk duplication method wherein the entire program, including device drivers, are included in the image.

The combination of Vaughan and the Sysprep-Nov01 reference, as suggested by the Examiner, may disclose a method of cloning a program and may disclose a method of updating drivers, but such combination fails to disclose several of the steps of the independent claims. For example, the combination fails to disclose the following step of amended independent claim 18:

"removing components, including driver software, from the computer system program, thereby creating an image of the computer system program that lacks driver software"

The combination cited by the Examiner does not disclose a step of removing driver software from a computer system program. Therefore, claim 18 should be allowed. Similar recitations appears in independent claims 1, 5, 8, 12 and 15. Therefore, for similar reasons, claims 1, 5, 8, 12 and 15 should also be allowed.

Furthermore, claims 2-4 depend upon amended independent claim 1, claims 6-7 depend upon amended independent claim 5, claims 9-11 depend upon amended independent claim 8, claims 13-14 depend upon amended independent claim 12, claims 16-17 depend upon amended independent claim 15, and claims 19-20 depend upon amended independent claim 18, and because dependent claims recite all the limitations of the independent claim, it is believed, for this additional reason, that dependent claims 2-4, 6-7, 9-11, 13-14, 16-17 and 19-20 also recite in allowable form.

Accordingly, in view of the remarks above, in view of the amendments to claims 1, 5, 8, 12, 15 and 18, and because the combination does not teach, anticipate, or

suggest the presently claimed invention, the Applicants believe that the rejection of claims 1-20 under 35 U.S.C. §103(a) has been overcome. The Examiner should withdraw the rejection of these claims.

Conclusion

The foregoing is submitted as full and complete response to the Office Action dated of January 8, 2008. It is believed that the application is now in condition for allowance. Allowance of claims 1-20 is respectfully requested.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless the Applicants have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

The present application, after entry of this Response, comprises twenty (20) claims, including six (6) independent claims. The Applicants have previously paid for twenty (20) claims including six (6) independent claims. The Applicants, therefore, believe that a fee for claims amendment is currently not due.

If the Examiner believes that there are any informalities that can be corrected by Examiner's amendment, or that in any way would help expedite the prosecution of the patent application, a telephone call to the undersigned at (561) 989-9811 is respectfully solicited.

The Commissioner is hereby authorized to charge any fees that may be required or credit any overpayment to Deposit Account No. **09-0463**.

Respectfully submitted,

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By:_____ /Jose Gutman/_____
Jose Gutman
Reg. No. 35,171

FLEIT, KAIN, GIBBONS, GUTMAN
BONGINI & BIANCO P.L.
551 N.W. 77th Street, Suite 111
Boca Raton, FL 33487
Tel (561) 989-9811
Fax (561) 989-9812